

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

SHEILA UNGER, a married person,

Plaintiff,

v.

LEWIS COUNTY, et al.,

Defendants.

NO. 3:11-cv-06071 JRC

STIPULATION AND ORDER
ON PROTECTION OF HEALTH
CARE INFORMATION AND
PERSONNEL INFORMATION

STIPULATION

Pursuant to FRCP 26(c)(1), the undersigned parties stipulate to the entry of the protective order set forth below limiting the disclosure of confidential information and documents and providing for the protection of documents and information to the extent such protection would not conflict with the statutes, laws, and regulations governing public agencies, including, but not limited to, the Public Records Act of the State of Washington [PRA] (Chapter 42.56 RCW), the Health Care Records Act of the State of Washington [HCRA] (Chapter 70.02 RCW), and the Health Insurance Portability and Accountability Act of 1966 [HIPAA]. The protective order set forth below does not alter the parties' obligations pursuant to any of the laws identified above or any other statutes, laws, or regulations applicable to public agencies.

1
2 DATED this _____ day of June, 2012.

3
4 WM. MICHAEL HANBEY, PS

MICHAEL & ALEXANDER, PLLC

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6 By: s/Wm. Michael Hanbey
7 WM. MICHAEL HANBEY, #7829
Attorney for Plaintiff

By: s/Suzanne Kelly Michael
SUZANNE KELLY MICHAEL, #14072
Attorney for Defendants

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11 **PROTECTIVE ORDER**

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13 SHEILA UNGER, Plaintiff, and LEWIS COUNTY, BOARD OF COMMISSIONERS
14 FOR LEWIS COUNTY, AND P.W. "BILL" SCHULTE AND "JANE DOE" SCHULTE,
15 Defendants, by affixing the signatures of their attorneys to this document, have agreed to a
16 Protective Order on the terms set forth below. As the parties to this action have agreed to the terms
17 of a Protective Order to govern discovery proceedings in this action, pursuant to FRCP 26(c)(1),
18 and according to the stipulation set forth above, it is hereby

19
20 ORDERED as follows:

21 1. Subject to the stipulation of the parties, this Order shall apply to all individual income tax
22 records, individual financial records, personnel records, and medical records produced by one
23 party to this action to another party to this action, or obtained by any party to this action through
24 the use of signed authorizations for release of records, during the course of this litigation.
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1 2. Each party shall designate each record which the party contends is subject to the protection
2 of this Order and shall denominate said record with the word "confidential" at the bottom of each
3 page of the record.

4 3. Except as required pursuant to the PRA, HCRA, HIPAA, or any other statutes, laws, or
5 regulations applicable to public agencies, all records subject to this order shall be maintained in
6 confidence by the party to whom such materials are produced, and shall be used solely in
7 connection with this action and shall not be disclosed to any person except:

8 (a) The Court and its officers, including filing of motions, pretrial compliance and use as
9 exhibits at trial, subject to redaction of certain personal information including:
10

11 (i) Minors' names: Use only the minor's initials;

12 (ii) Financial account numbers: Identify the name and type of account and the financial
13 institution where maintained, but using only the last four digits of the account number;

14 (iii) Social Security numbers: Use only the last four digits;

15 (iv) Dates of birth: Use only the year of birth; and

16 (v) Home addresses and personal and/or home telephone numbers.

17 (b) Trial counsel, to include attorneys, paralegals, agents and support staff, and such additional
18 attorneys as may subsequently be agreed upon by the parties; and

19 (c) Third-party experts engaged by counsel or the parties to assist in this litigation, provided
20 that a copy of this Protective Order accompany any documents disclosed to said experts and that
21 said experts are expressly advised to abide by the terms of this Protective Order and maintain the
22 confidentiality of information contained in the records they review.
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1 4. Within thirty (30) days of a Party's receipt of any record marked as "confidential" to which
2 it objects to the designation as "confidential" or for use and/or disclosure as outlined above, the
3 Party objecting to its use shall notify the other Party of this objection, in writing. The Parties shall
4 thereafter meet and confer in an effort to resolve any objection. If agreement on a resolution is not
5 reached, it shall be the burden of the objecting Party to seek an additional, specific protective order
6 pursuant to CR 26. Failure to object within thirty (30) days is not a waiver of an objection, and
7 objections to the use of the "confidential" designation can be made at any time during the
8 litigation.
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11 5. All records subject to this order shall be stored under the direct control of counsel of record
12 for the party to whom the records were produced, and counsel of record shall be responsible for
13 preventing any disclosure thereof, except in accordance with the terms of the Order. At the
14 conclusion of the case, all records subject to this order shall be returned to the other party, or
15 disposed of pursuant to agreement of the parties.
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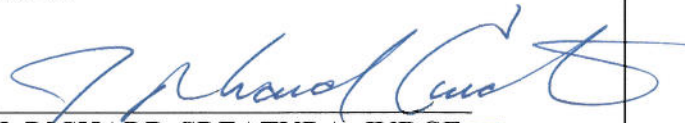
17 6. If any records subject to this order that were produced by the Plaintiff or through the use of
18 a signed authorization for release of records become the subject of a public records request, then
19 pursuant to the procedures set forth in the PRA or other statute, law, or regulation applicable to
20 public agencies, Lewis County shall provide notice to the Plaintiff that release of the record has
21 been requested, and the Plaintiff may seek such relief as may be available under the PRA.
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23 7. This Order may not be modified by agreement of the parties without the Court's express
24 authorization.
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26 8. The restrictions provided for above shall not terminate upon the conclusion of this lawsuit,
but shall continue until further Order of this Court.

1 9. Notwithstanding the protections authorized in this Order, the Court may change the terms
2 of the protective order on its own motion after notice to the parties of the intended change and an
3 opportunity to be heard before the court by either party who objects to the intended change.
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6 DATED this 26th day of JUNE 2012.

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9 J. RICHARD CREATURA, JUDGE
MAGISTRATE JUDGE

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11 Presented by:

Approved as to Form and Content;
Notice of Presentation Waived:

12
13 By: s/Wm. Michael Hanbey
14 WM. MICHAEL HANBEY, #7829
Attorney for Plaintiff

By: s/Suzanne Kelly Michael
SUZANNE KELLY MICHAEL, #14072
Attorney for Defendants